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## **H.B. 5505 -- Statewide property maintenance code**

Planning and Development Committee public hearing -- March 14, 2014

Testimony of Raphael L. Podolsky

**Recommended Committee action: JF SUBSTITUTE**  
**WITH MODIFICATIONS AND ADDITIONAL SECTION**

This bill represents a step toward the primary recommendation of the Anti-Blight Task Force, which endorsed the adoption of the ICC Property Maintenance Code, a comprehensive property maintenance code (PMC) drafted by the International Code Council (ICC). Connecticut has a statewide building code and a statewide fire safety code, each of which is enforced by local code officials, but there is no statewide housing or anti-blight code. Those latter codes are local, each with its own local ordinance, and most towns do not have such ordinances. Because the statewide building and fire codes are based on national codes, each has a "Connecticut Supplement," issued as agency regulations, to adapt those codes to Connecticut's regulatory structure and to modify any portions that Connecticut chooses not to include. See, for example, Sec. 29-252-1d of the Regulations of Connecticut State Agencies for the adoption of the ICC Building Code. A statewide property maintenance code would follow the same model, i.e., a national code, modified for Connecticut, applicable to all towns and enforced locally but with a state supervisory official (comparable to the State Building Inspector or the State Fire Marshal) to oversee the content of the code. Such a statewide code would provide the standards to be applied in all towns.

H.B. 5505 does not require the adoption of a statewide PMC. Instead, it requires the Codes and Standards Committee, in consultation with the State Building Inspector, to select a national code, recommend the content of the Connecticut Supplement, and report back to the General Assembly in 2015. We support this approach but believe that this mechanism is not the best way to produce the review needed to create the Connecticut Supplement. Six years ago, the Chief State's Attorney's Office, for which the state's housing prosecutors work, voluntarily assumed this responsibility, put together a very broad-based working group of stakeholders, and together developed a detailed set of proposed modifications to an earlier version of the ICC code. That process should be reactivated. The bill should be changed to place the responsibility for developing Connecticut modifications with the Chief State's Attorney; and there should be specific language added to the bill to require consultation with a broad-based stakeholder working group of those who would be affected by the adoption of a statewide PMC. I have included draft language at the end of this testimony.

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While the proposal contained in H.B. 5504 was the primary recommendation of the Anti-Blight Task Force, it was not the only recommendation. I urge the Committee to incorporate one other Task Force recommendation into this bill or a different bill before the Committee. The Task Force recommended the creation of a state-funded Clean and Lien Fund, which I suggest be placed within the Department of Housing. Under existing law, in an emergency or if a property owner fails to comply with anti-blight orders, municipalities have the authority to take action to remove the blight and, under C.G.S. 49-73b, can place a priority lien (with priority equivalent to a tax lien) on the property for its costs. This power can be used to prevent vacant buildings from being blighted. The costs typically involve boarding up buildings to secure them and preserve them from the weather, exterior clean-up (such as cutting weeds), stabilizing buildings in danger of collapse, or in extreme cases demolishing buildings. Because municipalities must front the money in order to take these anti-blight actions – the expenditures are not recovered until the building is sold or foreclosed – municipalities often fail to use these powers, thereby allowing the blight to continue and spread. A Clean and Lien Fund would be a state fund that would advance money to municipalities to remove blight. The priority lien should be designed so that money advanced by the state would be repaid to the state, thereby ultimately recovering most of the state expense. Funding should come from the Department of Housing's existing bonding authority and should thus not require any additional bonding authority.

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### **Recommended revision of H.B. 5505**

Section 1. (*Effective from passage*) The Chief State's Attorney shall convene a broad-based working group and, in consultation with such working group Codes and Standards Committee, in consultation with the State Building Inspector, shall select a nationally recognized model property maintenance code and make recommendations as to which changes, if any, are necessary to adapt such code to the state. The working group shall include representatives of municipal code enforcement agencies, state health, safety, and building code enforcement agencies, landlords, tenants, and others interested in the maintenance of properties and the prevention and correction of blight. Not later than January 15, 2015, said committee shall submit its recommendations in accordance with the provisions of section 11-4a of the general statutes to the joint standing committees of the General Assembly having cognizance of matters relating to local governments, housing, public health and public safety.